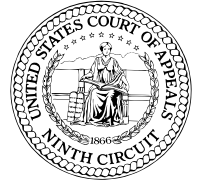




Office of the Clerk  
UNITED STATES COURT of APPEALS for the NINTH CIRCUIT  
95 Seventh Street, Post Office Box 193939  
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Cathy A. Catterson, Clerk of Court

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**Amendments to the  
LOCAL RULES for the Ninth Circuit Court of Appeals  
Effective, January 1, 2005**

<b>RULE</b>	<b>TITLE</b>	<b>New or Revised</b>	<b>PURPOSE OF AMENDMENT</b>
Circuit Rule 17-1	Excerpts of Record on Review or Enforcement of Agency Orders		Facilitate pro se litigants' access to courts by way of reducing technical requirements.
C.R. 17-1.3	Parties Exempted from Excerpts Requirement	New	Abrogate unnecessary requirement in immigration cases given agency's provision of full record.
C.R. 17-1.4	Required Contents of the Excerpts of Record	Revised	
Circuit Rule 15-4	Petitions for Review of Board of Immigration Appeals Decisions	New	Elicit information necessary to permit the Court to prioritize consideration of immigration cases where petitioner is in detention or stay cases pending resolution of related proceedings; formalize copy requirement for petitions for review
Circuit Rule 27-8	Required Recitals in Criminal and Immigration Cases	Revised	Same as above.
C.R. 27-8.1 C.R. 27-8.2	Criminal Cases Immigration Petitions	Revised New	
Circuit Rule 28-2			Same as above.
C.R. 28-2.4	Bail / Detention Status	New	
Circuit Rule 30-1	Excerpts of Record		Facilitate pro se litigants' access to the Court by way of eliminating non-essential technical requirements.
C.R. 30-1.2	Unrepresented Litigants	New	

<b>RULE</b>	<b>TITLE</b>	<b>New or Revised</b>	<b>PURPOSE OF AMENDMENT</b>
Circuit Rule 31-1	Number of Briefs	Revised	Facilitate pro se litigants' access to the Court by way of eliminating non-essential technical requirements.
Circuit Rule 39-1	Costs and Attorney Fees on Appeal	Revised	Clarify that scope of costs requested in this court confined to reproduction of brief and excerpts; reduce reimbursement rate to market rate; eliminate antiquated references to printers and printer's bills; emphasize importance of timely filing.
C.R. 39-1.2	Number of Briefs and Excerpts	Revised	
C.R. 39-1.3	Cost of Reproduction	Revised	
ACN 39-1.6	Calculation of Filing Deadline	New	
Form 10	Bill of Costs	Revised	Same as above.
Circuit Rule 30-1.6	Appellee's Supplemental Excerpts of Record	Revised	To relieve unrepresented litigants from the requirement to file excerpts of record. This companion amendment is necessary to modify appellee's obligations with regard to supplemental excerpts of record.
Circuit Rule 6-2	Petitions for Writ of Certiorari to Review Final Decisions of the Supreme Court of Guam	Abrogated	H.R. 2400 was signed into law on 10-30-04 this measure amends the provision of the Organic Act of Guam, 48 U.S.C. § 1424-2, relating to the Circuit's review of the Supreme Court of Guam decisions.
Circuit Rule 6-1	Appeals from Final Decisions of the Supreme Court of the Commonwealth of the Northern Mariana Islands	Abrogated	Same as above.
Circuit Rule 24-1	Waiver of Excerpts	Abrogated	Unnecessary in view of revisions to Circuit Rules 17-1.3 and 30-1.2.

## CIRCUIT RULE 17-1

### EXCERPTS OF RECORD ON REVIEW OR ENFORCEMENT OF AGENCY ORDERS

#### **17-1.1      Purpose**

\* \* \* \*

#### **17-1.2      Petitioner's Initial Excerpts of Record**

\* \* \* \*

#### **17-1.3      Parties Exempted from Excerpts Requirement**

(a) Unrepresented Parties: Petitioners and respondents proceeding without counsel need not file excerpts, supplemental excerpts and further excerpts of record.

(b) Petitioners challenging a Board of Immigration Appeals order need not file the excerpts and further excerpts; respondent need not file supplemental excerpts.

#### **17-1.4      Required Contents of the Excerpts of Record**

(a) \* \* \* \*

(b) In addition to the items required by Circuit Rule 17-1.3(a), where the petition seeks review of an agency adjudication regarding the grant or denial of benefits, the excerpts of record shall also include the entire reporter's transcript of proceedings before the administrative law judge.

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## CIRCUIT RULE 15-4

### PETITIONS FOR REVIEW OF BOARD OF IMMIGRATION APPEALS DECISIONS

A petition for review of a Board of Immigration Appeals decision shall state whether petitioner is (1) detained in the custody of the Department of Homeland Security and/or (2) has moved the Board of Immigration Appeals to reopen or applied to the district director for an adjustment of status. The petition shall be filed in an original and seven copies.

## CIRCUIT RULE 27-8

### REQUIRED RECITALS IN CRIMINAL AND IMMIGRATION CASES

#### 27-8.1 Criminal Cases

Every motion in a criminal appeal shall recite any previous application for the relief sought and the bail status of the defendant.

#### 27-8.2 Immigration Petitions

Every motion in a petition for review of a decision of the Board of Immigration Appeals shall recite any previous application for the relief sought and inform the court if petitioner (1) is detained in the custody of the Department of Homeland Security and/or (2) has moved the Board of Immigration Appeals to reopen or applied to the district director for an adjustment of status.

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## CIRCUIT RULE 28-2

### CONTENTS OF BRIEFS

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#### **28-2.4 Bail / Detention Status**

(a) The opening brief in a criminal appeal shall contain a statement as to the bail status of the defendant. If the defendant is in custody, the projected release date should be included.

(b) The opening brief in a petition for review of a decision of the Board of Immigration Appeals shall state whether petitioner (1) is detained in the custody of the Department of Homeland Security and/or (2) has moved the Board of Immigration Appeals to reopen or applied to the district director for an adjustment of status.

## CIRCUIT RULE 30-1

### THE EXCERPTS OF RECORD

#### **30-1.1      Purpose**

\* \* \* \*

#### **30-1.2      Unrepresented Litigants**

Appellants and appellees proceedings without counsel need not file the excerpts, supplemental excerpts and further excerpts of record described in this section.

#### **30-1.6      Appellee's Supplemental Excerpts of Record**

If appellant did not file excerpts of record under subsection 30-1.2 of this rule, the contents of appellee's supplemental excerpts are limited to the district court docket sheet, the notice of appeal, the judgment or order appealed from, and any specific portion of the record cited in appellee's brief.

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## CIRCUIT RULE 31-1

### NUMBER OF BRIEFS

In lieu of the 25 copies required by FRAP 31(b), an original and 15 copies of each brief shall be filed. If a petition for hearing or rehearing en banc is granted, each party shall file 20 additional copies of its briefs. The appellant shall also file 20 additional copies of the excerpts of record.

Any party not represented by counsel, shall file only an original and 7 copies of briefs.

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## CIRCUIT RULE 39-1

### COSTS AND ATTORNEYS FEES ON APPEAL

#### **39-1.1   Bill of Costs**

The itemized bill of costs required by FRAP 39(d) shall be submitted on the standard form provided by this court. It shall include the following information:

- (1)      The number of copies of the briefs excerpts of record reproduced;
- and
- (2)      The actual cost per page for each document.

### **39-1.2      Number of Briefs and Excerpts**

When a party is required to file fifteen (15) copies of a brief, costs will be allowed for 18 copies of each brief plus 2 copies for each party to be served, unless the Court shall direct a greater number of briefs to be filed than required under Circuit Rule 31-1. When a party is permitted to file a lesser number of copies of a brief, costs will be allowed for the required number of copies of each brief plus 2 copies of for each party to be served, unless the Court shall direct a greater number of briefs to be filed than required under Circuit Rule 31-1.

### **39-1.3      Cost of Reproduction**

In taxing costs for photocopying documents, the clerk shall tax costs at a rate not to exceed ten (10) cents per page, or at actual cost, whichever shall be less.

### **39-1.4      Untimely Filing**

\* \* \* \*

### **39-1.5      Objection to Bill of Costs**

\* \* \* \*

### **39-1.6      Request for Attorneys Fees**

Absent a statutory provision to the contrary, a request for attorneys fees, including a request for attorneys fees and expenses in administrative agency adjudications under 28 U.S.C. § 2412(d)(3), shall be filed with the Clerk, with proof of service, within 14 days from the expiration of the period within which a petition for rehearing or suggestion for rehearing en banc may be filed, unless a timely petition for rehearing or suggestion for rehearing en banc is filed. If a timely petition for rehearing or a suggestion for rehearing en banc is filed, a request for attorneys fees shall be filed within 14 days after the court's disposition of such petition or suggestion. The request must be filed separately from any cost bill.

A request for an award of attorneys fees must be supported by a memorandum showing that the party seeking fees is legally entitled to them and must be accompanied by Form 9 (appended to these rules) or a document that contains substantially the same information, along with: (a) a detailed itemization of the tasks performed each date and the amount of time spent by each lawyer and para-legal on each task; (b) a showing that the hourly rates claimed are the prevailing rates in the relevant market; and (c) an affidavit attesting to the accuracy of the information submitted. (New 7/2001)

## ***CIRCUIT ADVISORY COMMITTEE NOTE TO RULE 39-1.6***

*Calculation of Filing Deadline: Litigants are reminded that a cost bill must be received by the Clerk in San Francisco by the due date. See Federal Rule of Appellate Procedure 25(a)(1) and (2)(A) and Circuit Rule 25-2; but see Federal Rule of Appellate Procedure 25(a)(2)(C) (document filed by inmate timely if deposited in institution's*

*internal mailing system on or before due date). The deadline is strictly enforced. See Mollura v. Miller, 621 F.2d 334 (9th Cir. 1980).*

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**Form 10. Bill of Costs****United States Court of Appeals for the Ninth Circuit****BILL OF COSTS**

**Note:** If you wish to file a bill of costs, it **MUST** be submitted on this form and filed, with the clerk, with proof of service, within 14 days of the date of entry of judgment, and in accordance with Circuit Rule 39-1. A late bill of costs must be accompanied by a motion showing good cause. Please refer to FRAP 39, 28 U.S.C. § 1920, and Circuit Rule 39-1 when preparing your bill of costs.

\_\_\_\_\_ v. \_\_\_\_\_ CA No. \_\_\_\_\_

The Clerk is requested to tax the following costs against: \_\_\_\_\_

Cost Taxable under FRAP 39, 28 U.S.C. § 1920, Circuit Rule 39-1	REQUESTED Each Column Must Be Completed				ALLOWED To Be Completed by the Clerk				
	No. of Docs.*	Pages per Doc.	Cost per Page **	TOTAL COST	No. of Docs.	Pages per Doc.	Cost per Page	TOTAL COST	
	Excerpt of Record								
	Appellant’s Brief								
	Appellee’s Brief								
	Appellant’s Reply Brief								
TOTAL				\$	TOTAL				\$



**Form 10. Bill of Costs - Continued**

**Other:** Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

Attorneys fees **cannot** be requested on this form.

\* If more than 7 excerpts or 20 briefs are requested, a statement explaining the excess number must be submitted.

\*\* Costs per page may not exceed .10 or actual cost, whichever is less. Circuit Rule 39-1.

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I, \_\_\_\_\_, swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name of Counsel (printed or typed): \_\_\_\_\_

Attorney for: \_\_\_\_\_

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Date: \_\_\_\_\_ Costs are taxed in the amount of \$\_\_\_\_\_

Clerk of Court

By: \_\_\_\_\_, Deputy Clerk

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CIRCUIT RULE 6-2

PETITION FOR WRIT OF CERTIORARI TO REVIEW  
FINAL DECISIONS OF THE SUPREME COURT OF GUAM

- (a) **Petition of Writ of Certiorari.** [ABROGATED 1-1-05]

*CIRCUIT ADVISORY COMMITTEE NOTE TO RULE 6-2(b) and (c)*

***ABROGATED January 1, 2005***

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CIRCUIT RULE 6-1

APPEALS FROM FINAL DECISIONS OF THE  
SUPREME COURT OF THE COMMONWEALTH  
OF THE NORTHERN MARIANA ISLANDS

- (a) **Applicability of Other Rules.** [ABROGATED 1-1-05]

*CIRCUIT ADVISORY COMMITTEE NOTE TO RULE 6-1*

***ABROGATED January 1, 2005***

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CIRCUIT RULE 24-1

EXCERPTS OF RECORD WAIVER

***ABROGATED January 1, 2005***